

**From:** [Robert Werner](#)  
**To:** [Carlos Sanchez](#); [Stephen Tzhone](#)  
**Cc:** [Barbara Aldridge](#); [Lydia Johnson](#); [Barbara Nann](#)  
**Subject:** San Jacinto River Waste Pits (06ZQ) - EPA Region 6 Response to USACE: CWA permits near San Jacinto  
**Date:** 10/08/2008 12:25 PM  
**Attachments:** [SWG-2007-01865 san jacinto waste pits with 6SF.doc](#)  
[Letter - Galveston COE Ltr to EPA R6 Request Technical Guidance Concerning COE Permits Near the SJRWP Site 2008-08-11\(F\)\(SDMS 830088\).pdf](#)

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Carlos,

Copy of the Galveston Corp of Engineers (COE) Letter to EPA is in the attached file. The August 11, 2004 date on the COE letter is a typo error, correct date for the COE's letter is August 11, 2008. I think this letter might be what has caused the immediate consideration of a Fund-lead "non-time[-critical]" removal action is needed at the site at the Site.



Letter - Galveston COE Ltr to EPA R6 Request Technical Guidance Concerning COE Permits Near the SJRWP Site 2008-08-11(F)(SDMS 830088).pdf

In my view, considering the extent of dioxin at this Site (see my below summary) and the statutory limitations for removal actions (not to exceed \$2,000,000/\$6,000,000 with HQ permission or 12 months in duration), I don't think a removal action is appropriate. I'm not an engineer, however, within these statutory limits I don't think it is possible remove the dioxin from the Site, nor is it possible to stabilize or contain the dioxin at the Site, nor is it possible to fence the complete site area.

Dioxin, is the primary hazardous substances at the Site. High levels of dioxin exist in and around the submerged pits at the Site **and in down river sediments of the San Jacinto River, and possibly the Houston Ship Channel**. Samples collected in the disposal pits and in down river sediments have dioxin concentrations as high as 70,000 parts per trillion. Sediments contaminated with high levels of dioxin have been found in the San Jacinto River for a distance of at least one-half mile down stream from the disposal pits.

The following is an extract from CERCLA Enforcement Project Management Handbook, paragraph 2.1.F that pertains to PRPs and Fund-lead removals:

OSCs who request an except to the statutory limits on cost of duration for a Fund-lead removal action should first ensure that all potential avenues for securing PRP cleanup or funding for cleanup have been pursued. Regions should carefully review all cost exception requests for Fund-lead removal actions for evidence of activity to secure PRP participation in the cleanup.

Waste Management of Texas, Inc., and/or Waste Management, Inc., has already been advised by EPA General Notice Letter that it is a PRP at this Site. At this time EPA is preparing a General Notice Letter to advise International Paper Company that it will also be a PRP at this Site.

Based upon the above guidance from the CERCLA Enforcement Project Management Handbook, and the fact that there are viable PRPs for this site, I'm of the opinion that both PRPs must to be notified that their participation is requested in a removal action prior the initiation of any removal activities.


FYI I've forwarded Miguel I. Flores's draft letter that might be this Region's reply to the Galveston COE's question.

----- Forwarded by Robert Werner/R6/USEPA/US on 10/08/2008 10:49 AM -----

**Stephen  
Tzhone/R6/USEPA/US**

09/30/2008 03:31 PM

To Sharon Parrish/R6/USEPA/US@EPA, Jim  
Herrington/R6/USEPA/US@EPA  
cc Barbara Nann/R6/USEPA/US@EPA, Robert  
Werner/R6/USEPA/US@EPA, Carlos Sanchez/R6/USEPA/US@EPA,  
Donald Williams/R6/USEPA/US@EPA, Charles  
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Subject letter EPA to USACE: CWA permits near San Jacinto 

Hi Jim, Sharon,

Attached is the draft letter with 6SF text, let me know if 6WQ needs any additional information, thanks.



SWG-2007-01865 san jacinto waste pits\_with 6SF.doc

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